

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner withdraws the previous rejections in favor of a new rejection citing new prior art references. Specifically, the Examiner rejects claims 1 and 3-10 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,432,046 to Yarush, et al., (hereinafter "Yarush") in view of U.S. Patent No. 5,372,124 to Takayama et al., (hereinafter "Takayama") and further in view of U.S. Patent No. 5,392,067 to Konno et al., (hereinafter "Konno").

In response, Applicants respectfully traverse the Examiner's rejection under 35 U.S.C. § 103(a) for at least the reasons set forth below.

In the Official Action, the Examiner argues that all of the features are shown in the combination of Yarush, Takayama and Konno. Applicants respectfully disagree and submit that the Examiner engages in a very fanciful interpretation of what is disclosed in the Takayama and Konno references.

With respect to Yarush, the same discloses an elongated flexible inserting portion (Figure 12a, element 270) with an operating portion (Figure 1, element 44). The flexible portion has an optical system at the distal end thereof (lens 278, Figure 12a) and image fibers that transmit an image from the lens to an image capture device in the operating portion. The Examiner seems to feel that such an image guide inherently has a proximal end (image output portion) that cooperates with the image capture device.

However, with regard to Takayama, the Examiner argues that the same discloses plates for suppressing deformation at Figures 25 and 26, and element 243. Applicants respectfully disagree. Figures 25 and 26 of Takayama disclose a gripper disposed

at a distal end of an instrument that is used to pick up objects, such as gallstones (see column 19, lines 10-35). The plate (243) shown therein is only used to support the gripper. Takayama does not disclose or suggest plates used to suppress deformation of an operating portion mounted on a proximal end of an inserting portion.

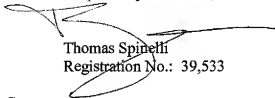
Furthermore, with regard to Konno, the Examiner argues that the same discloses a notch in the plate frame for mounting an image pick-up unit. Applicants again respectfully disagree. Konno, at Figure 36 merely discloses a mask used to project a notch on the image-pick-up unit such that the notch shape appears on the display (see column 22, line 51 to column 23, line 9, particularly, column 23, lines 2-5). Therefore, Konno does not disclose a notch in a plate but merely discloses a mask having a notch shape that is projected onto an image and displayed on a display.

With regard to the rejection of claims 1 and 3-10 under 35 U.S.C. § 103(a), independent claims 1, 6 and 7 are not rendered obvious by the cited references because neither the Yarush patent, the Takayama patent nor the Konno patent, whether taken alone or in combination, teach or suggest an endoscope having the features discussed above and recited in independent claims 1, 6 and 7. Accordingly, claims 1, 6 and 7 patentably distinguish over the prior art and are allowable. Claims 3-5 and 8-10, being dependent upon claims 1 and 7, are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 1 and 3-10 under 35 U.S.C. § 103(a).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone

conference with Applicants' attorneys would be advantageous to the disposition of this case,
the Examiner is requested to telephone the undersigned.

Respectfully submitted,



Thomas Spinelli
Registration No.: 39,533

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343
TS:cm